

State of New Hampshire DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095 (603) 271-2147 FAX (603) 271-6588



VIA CERTIFIED AND REGULAR MAIL

LETTER OF DEFICIENCY WET 2004-070

October 27, 2004

Judith Pike PO Box 741 Conway, NH 03818

RE: DES Wetlands File #2004-02417 Boulder Road and Route 113, Madison

Dear Ms. Pike:

On October 14, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Madison Tax Map 14 as Lot 42 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

- 1. A slash pile measuring approximately 150 feet long by 10 feet wide consisting of tree stems, tops, and branches was observed in an intermittent drainage; and
- 2. The side slope bordering Boulder Road was unstable and un-vegetated, increasing the potential for erosion into the intermittent drainage.

In response, you are requested to take the following actions:

- 1. By **November 5, 2004**, seed and mulch with straw the exposed soils on the slope bordering Boulder Road; and
- 2. By **November 19, 2004**, remove the slash from the intermittent drainage and place out of Wetlands Bureau jurisdiction. Pursuant to RSA 227-J:10, no slash shall be left within:
 - a. 100 feet of an occupied structure;
 - b. 50 feet of a public highway;
 - c. 25 feet of land or another; or
 - d. On the property of another.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit,

http://www.state.nh.us

TDD Access: Relay NH 1-800-735-2964

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this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

At the time of the inspection, DES personnel observed several items near Boulder Road, including a residential fuel tank, an engine block, propane tank, and scrap tires. Proper disposal of these items is regulated by DES. If you have any questions or desire assistance regarding this or any other solid waste matters, please contact Michael Galuszka at (603) 466-5389 or by e-mail at mgaluszka@des.state.nh.us.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact me at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,

Collis G. Adams, CWS

Administrator Wetlands Bureau

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cc: Rene Pelletier, Manager, Land Resources Management Program Gretchen R. Hamel, Administrator, DES Legal Unit
Michael E. Galuszka, DES
Robert Boyd, Division of Forest and Lands
Madison Conservation Commission
Robert Babine, Town of Madison
Representative Donald Philbrick
USACOE